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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,194	07/24/2003	Sankar Sambasivan	7125	2708
22922 7590 09/08/2008 REINHART BOERNER VAN DEUREN S.C. ATTN: LINDA KASULKE, DOCKET COORDINATOR 1000 NORTH WATER STREET SUITE 2100 MILWAUKEE, WI 53202				
EXAMINER SPEER, TIMOTHY M				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
09/08/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPAdmin@reinhardtllaw.com

Office Action Summary

Application No.

10/627,194

Applicant(s)

SAMBASIVAN ET AL.

Examiner

TIMOTHY M. SPEER

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 3, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe (USPN 3,709,723), as set forth in the Office Action dated 11/28/07 (repeated below).
3. Watanabe teaches articles comprising a metal substrate coated with an aluminum phosphate coating (see Example 1, for instance). Regarding claim 2, the films necessarily will exhibit an aluminum content that is less than stoichiometric, greater than stoichiometric or stoichiometric with respect to the phosphorous content, since they are aluminum phosphate coatings.
4. Regarding the terms "substantially amorphous" and "substantially non-porous", it is noted that the term "substantially" is a broad term. See MPEP 2173.05(b)(D). Moreover, applicant has failed to define these terms in the specification. Accordingly, it is the Examiner's position that the coatings of Watanabe meet these broad limitations. Regarding the claimed "component" between the substrate and the film, since the coatings and substrates of Watanabe are the same as those presently claimed, it is the Examiner's position that the coating will interact with the substrate to form such a "component."

5. Regarding claim 3, Watanabe teaches that the films may additionally include metal particles, such as silica or iron oxide (see Examples). Therefore, Watanabe meets instant claim 3.
6. With respect to claim 22, since the articles of Watanabe are formed from the same materials as disclosed in the subject specification, it is the Examiner's position that the articles of Watanabe will necessarily exhibit the claimed surface energy.
7. In light of the above, it is the Examiner's position that the present claims are anticipated by Watanabe.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe, as set forth in the Office Action dated 11/28/07 (repeated below).
10. Watanabe was discussed above. Regarding claim 4, Watanabe teaches metal substrates, generally, and, accordingly, it would have been obvious to one having ordinary skill in the art to employ a steel substrate. This being done, the film would form a bond with the metal oxides of the substrate.
11. With respect to claims 5, 6, and 8, optimizing the thickness of the coating is clearly within the level of ordinary skill in the art and to do so would have been obvious to one having ordinary skill in the art.

12. Finally, regarding claim 7, Watanabe fails explicitly to teach an organic coating over the aluminophosphate coating. However, such coatings are conventional in the art and are employed to provide protection to the underlying coating and substrate, such as by imparting improved water resistance.

13. In light of the above, it is the Examiner's position that the present claims are obvious in view of Watanabe.

Response to Arguments

14. Applicant's arguments filed 05/23/08 have been fully considered but they are not persuasive. In response to this ground of rejection, applicant first asserts that Watanabe fails to teach a "substantially non-porous" film, as claimed. Additionally, applicant asserts that Watanabe fails to teach a "component" as presently claimed. These arguments have been considered, but are not persuasive.

15. As noted in the previous Office Action, regarding the term "substantially non-porous", it is noted that the term "substantially" is a broad term. See MPEP 2173.05(b)(D). Moreover, applicant has failed to define these terms in the specification. Accordingly, it is the Examiner's position that the coatings of Watanabe meet these broad limitations. Although the coatings are described as porous, there is nothing in the record to indicate that such porosity is excluded by the scope of the present claims, given the broad scope of the terms employed therein.

16. Additionally, regarding the claimed "component" between the substrate and the film, since the coatings and substrates of Watanabe are made from the same materials as presently claimed, e.g., an aluminum phosphate coating and a metal substrate, it is the Examiner's position that the coating will interact with the substrate to form such a "component." Since the aluminum

phosphate is present, it will interact with the oxide scale at the metal surface to form a "component," as claimed.

17. In light of the above, applicant's arguments have been considered, but are not found to be persuasive.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY M. SPEER whose telephone number is (571)272-8385. The examiner can normally be reached on M-F.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith D. Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy M. Speer/
Primary Examiner
Art Unit 1794